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H – 1079

International Court of Justice

H1079-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

1 August 1946

COMMISSIONER:

M. Martin Havard

THE SA

(The Commission reconvened at 1055 hours)

DR. ERNST GEIER, a witness, took the stand and testified as follows:

ER
COMMISSION/HAVARD: The witness will stand. What is your name?

THE WITNESS: Dr. Ernst Geier

COMMISSIONER HAVARD: Will you raise your right hand and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

COMMISSIONER HAVARD: You may sit down.

DIRECT EXAMINATION

BY DR. BOEHM:

Q. Witness, you were president of the Reichsbahnhof in Nurnberg, weren't you?

A. May I say that I was president of the German railroad in Nurnberg from the first of December 1933, until September 1943. At that time I was arrested by the Gestapo.

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Q. And where were you taken afterwards?

A. I was removed from office, taken into prison, and then I came to Erlangen and to Berlin.

Q. Can you tell me which was the task of the SA at the Party Congress of 1938 in connection with the diplomatic corps?

A. In my capacity as chief of the German railroad, I had the task to take care of railway transportation for the diplomatic corps during the Party Congress. At that time there were no special billets for the members of the diplomatic corps, so we billeted them in the dining cars, sleeping cars, etc., and it was my task to take care of that job, so that I saw that on the occasion of all Party Congresses, and particularly ~~1938~~, 1938 Congress, the entire diplomatic corps was present and especially the representatives of France, Great Britain and U.S.A. And now as I had to take care of their accommodations, I could observe that the sole part - that is to say the host - was played by the SA and SS.

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Q On the grounds of this observation did you draw any conclusions as regards the relation between these gentlemen and the members of the SA and the SS?

COMMISSIONER MARTIN-HAVARD: I do not think that question is pertinent. We have to find out whether or not the SA organization is a criminal one and the relations between the SA and the Diplomatic Corps do not interest us.

DR. BOEHM: I think we also have to find out whether they were NOT criminal.

COMMISSIONER MARTIN-HAVARD: Even if the SA were good hosts to the Diplomatic Corps it does not prove that they were or were not criminal and therefore the question is not pertinent.

DR. BOEHM: My point is to show that the population could draw the conclusion that the SA was on friendly terms with the members of the Diplomatic Corps.

MR. BARRINGTON: The Prosecution have never denied that the SA had many duties which were perfectly harmless and of a non-criminal character, particularly at public meetings, but the question really is what the population at large could see of their criminal activities in public streets.

DR. BOEHM: The Prosecution claimed, on the first page of the speech which was delivered on the 18th of December 1945, that the SA was just a bunch of gangsters and it is my task to prove that this is not correct. I am trying to prove that by showing that the members of the Diplomatic Corps supposedly would not have been willing to be taken care of by a bunch of gangsters in 1938. This question seems to me all the more important as this witness was prosecuted by the Nazis, he was arrested by the Gestapo and he was in prison for years.

COMMISSIONER MARTIN-HAVARD: The relations between the Diplomatic Corps and the SA and the SA and the population have been friendly on some occasions and that is not a point of the Prosecution. I therefore think further questions along this line are not pertinent and of no interest whatever.

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BY DR. BOEHM:

Q Witness, approximately how many persons were transported to the Reichs Parteitag (Party Congress) in 1938?

A On the occasion of the Party Congress in 1938 approximately two million people were transported by rail. This included both the so-called free traffic, the ordinary trains, and all special trains.

Q How many people were supposed to be transported to Nurnberg in 1939?

A We had instructions from the Ministry to provide for transportation for about 2,200,000 people, that is to say, 10 to 20 percent more than during the previous year.

Q Was the organization of the Party Congress of 1939 ordered? I ask you this question in your capacity as local railroad chief and you will give me the answer according to your personal knowledge.

A In my capacity as local railroad chief I received the order to prepare the Party Congress for 1939 as regards transportation.

Q Had there already been some measures taken with a view to executing these orders? Were there already special trains brought to Nurnberg?

A Transportation for the Party Congress of 1939 had already begun before September 1. It might be very interesting to note that about the end of August 1939 the Minister of the Reich, Dorpmueller, came through Nurnberg on his way back from holiday in order to check the situation as regards the Reichs Parteitag and he told me, "Mr. Geier, this is wonderful. The Reichs Parteitag has already started; there are already troops being unloaded and in such a case there can be no question about war."

Q When did the first trains arrive in Nurnberg?

A They began to arrive about ten to fourteen days before the 1st of September and the volume of transportation was increasing every day.

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Q So on the 1st of September 1939 trains arrived here for the Party Congress?

A May I say that on the 1st of September 1939 everything went according to plans and the trains arrived as they did before. We had a tremendous volume of traffic here which was really extraordinary.

MR. BARRINGTON: If Dr. Boehm will forgive my interrupting for a minute, I would suggest we have had enough of this particular line of inquiry. I did not want to object before but I can quite see Dr. Boehm's point, - that if all the arrangements for the Rally or Congress had been made up to the last moment, that the members of the SA cannot be supposed to have thought that a war was going to break out.

DR. BOEHM: Yes, that is one of my points.

MR. BARRINGTON: But I would just like to say this. If it is a question of the higher leaders of the SA not knowing that a war was going to break out, this evidence proves nothing because no one would suppose that they would be so foolish as to cancel these arrangements if they knew a war was going to break out. Secondly, if it is a question of the ordinary rank-and-file, if I may say so, nobody would suppose that even if they did know that the intention of the organization was to wage aggressive war, nobody would suppose that the rank and file would know when it was coming.

DR. BOEHM: We are not dealing with the question whether the Supreme SA commanders can be believed or not, or whether they were stupid or not. It is a fact that a million and more people came to the Party Congress in 1939 and I am going to deal with the conclusions that can be drawn from that fact in my final speech in my evidence before the Tribunal. I have only three or four more questions and I think we shall not discuss this problem any longer than it is necessary.

MR. BARRINGTON: Well, if it is very short, I will make no further objections.

COMMISSIONER MARTIN-HAVARD: There is no reason to go on with this discussion. The fact that a great number of troops were brought to Nurnberg for the Party Congress near the 1st of September does not necessarily mean that a war was not being prepared

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but only that the date was not ~~xx~~ fixed yet. It was events of 1939 which brought about the outbreak of war and the exact date was not chosen by any General Staff.

BY DR. BOEHM:

Q But the mobilization order on the 1st of September 1939 coincided with the preparation for the Party Congress. Was not the German railroad prepared for the preparation of the Party Congress on one hand and for the preparation of mobilization on the other hand?

A In my capacity as former local chief for the District of Nurnberg, I can only say that when the war broke out against Poland on the 1st of September 1939, we received orders from Berlin to cancel all transportation and organization for the Party Congress. We were quite a bit surprised about it.

Q You say that the cancellation of the organization of the Party Congress was a surprise to you. Was the order for mobilization with respect to all that had already happened with respect to the Party Congress a danger for the whole railway system?

A We railroad experts say that in such a case the whole organization of the railway system is seriously endangered; the fact that the transports to the Reichs Parteitag and the mobilization transports coincided, was bound to lead to some muddle in the whole organization.

Q Did you ever receive instructions from your superior official which could have led you to believe that an aggressive war was in preparation and would take place?

A Officially we were never informed that there was going to be an aggressive war and I myself was very glad when the supreme chief of the whole German railroad system told me just a few days before the outbreak of the war, "There is not going to be a war."

H1079-0008

Q And now my last question. You said that officially you were never informed. Were you ever informed other than officially?

A I never was informed, either officially or outside my office, that there was going to be an aggressive war, and, like many other Germans who had great apprehension for the welfare of the world, we did not know that there was going to be an aggressive war.

COMMISSIONER MARTIN-HAVARD: All these questions seem to me very complicated and not very clear. Everybody can see that there is a difference between a General Staff preparing an aggressive war and choosing the date of this aggression. The Tribunal is interested in knowing whether there was a preparation for aggressive war but it is not interested in the matter of whether a certain date was fixed by the General Staff.

DR. BOEHM: I fully agree. We are not dealing here with the plans and preparation of the Supreme SA Command. We are dealing with the whole situation and we want to know how the population at large considered the situation.

(A recess was taken.)

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Com. B.
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1 Aug., 1946.
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(FOLLOWING RECESS.)

COMMISSIONER M. MARTIN HAVARD: Did you finish with your questioning, Dr. Boehm?

DR. BOEHM: I have no more questions.

CROSS EXAMINATION.

MR. BARRINGTON: I have no questions.

COMMISSIONER HAVARD: The witness is exeused. Are there any further witnesses to be questioned.

DR. BOEHM: Not for me.

COMMISSIONER HAVARD: We will adjourn.

(THE COMMISSION ADJOURNED AT 1155 HOURS.)

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Com B
1 August 1946
Geier

H1079 -0010

The foregoing is a true and correct transcript of the testimony of ERNST GEIER, taken on 1 August 1946.

(Reporter) 1 - F

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(Reporter)

CERTIFIED TO:

(Commissioner)

File copy

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THE WITNESS: Dr. Ernst Geier.

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Q And where were you taken afterwards?

A I was removed from office, taken into prison, and then I came to Erlangen and to Berlin.

Q Can you tell me which was the task of the SA at the Party Congress of 1938 in connection with the diplomatic corps?

A In my capacity as chief of the German railroad, I had the task to take care of railway transportation for the diplomatic corps during the Party Congress. At that time there were no special billets for the members of the diplomatic corps, so we billeted them in the dining cars, sleeping cars, etc., and it was

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my task to take care of that job, so that I saw that on the occasion of all Party Congresses, and particularly 1938 Congress, the entire diplomatic corps was present and especially the representatives of France, Great Britain and U.S.A. And now as I had to take care of their accommodations, I could observe that the wole part -- that is to say the host -- was played by the SA and SS.

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COMMISSIONER HAVARD: The relations between the Diplomatic Corps and the SA and the SA and the population have been friendly on some occasions and

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BY DR. BOEHM:

Q Witness, approximately how many persons were transported to the Reichs Parteitag (Party Congress) in 1938?

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MR. BARRINGTON: If Dr. Boehm will forgive my interrupting for a minute, I would suggest we have had enough of this particular line of inquiry I did not want to object before but I can quite see Dr. Boehm's point -- that if all the arrangements for the Rally or Congress had been made up to the last moment, that the members of the SA cannot be supposed to have thought that a w was going to break out.

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COMMISSIONER HAVARD: There is no reason to go on with this discussion. The fact that a great number of troops were brought to Nurnberg for the Party Congress near the 1st of September does not necessarily mean tha a war was not being prepared

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BY DR. BOEHM:

Q But the mobilization order on the 1st of Septebmer 1939 coincided with the preparation for the Party Congress. Was not the German railroad prepared for the preparation of the Party Congress on one hand and for the preparation of mobilization on the other hand?

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(A recess was taken)

(FOLLOWING RECESS)

COMMISSIONER M. MARTIN HAVARD: Did you finish with your questioning, Dr. Boehm?

DR. BOEHM: I have no more questions.

CROSS EXAMINATION.

MR. BARRINGTON: I have no questions.

COMMISSIONER HAVARD: The witness is excused. Are there any further witnesses to be questioned?

DR. BOEHM: Not for me.

COMMISSIONER HAVARD: We will adjourn.

(THE COMMISSION ADJOURNED AT 1155 HOURS)

The foregoing is a true and correct transcript of the testimony of ERNST GEIER, taken on 1 August 1946.

Bernice Winkler
Reporter

Mabel A. Lesser
Reporter

CERTIFIED TO:

M. Martin Havard
Commissioner

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